

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Aliza Klingenstein	Team: Squad #7	CCRB Case #: 202102720	<input type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input type="checkbox"/> Abuse	<input checked="" type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Tuesday, 05/04/2021 9:06 AM	Location of Incident: In front of § 87(2)(b) Street	Precinct: 111	18 Mo. SOL 11/4/2022	EO SOL 11/4/2022	
Date/Time CV Reported Tue, 05/04/2021 9:21 AM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Tue, 05/04/2021 9:21 AM		
<b>Complainant/Victim</b>	<b>Type</b>	<b>Home Address</b>			
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)			
<b>Witness(es)</b>	<b>Home Address</b>				
§ 87(2)(b)	§ 87(2)(b)				
<b>Subject Officer(s)</b>	<b>Shield</b>	<b>TaxID</b>	<b>Command</b>		
1. POM Anthony Williams	06277	959368	111 PCT		
<b>Witness Officer(s)</b>	<b>Shield No</b>	<b>Tax No</b>	<b>Cmd Name</b>		
1. POM Jon Bacarella	9623	964904	111 PCT		
<b>Officer(s)</b>	<b>Allegation</b>	<b>Investigator Recommendation</b>			
A.POM Anthony Williams	Off. Language: Police Officer Anthony Williams made remarks to § 87(2)(b) based upon the perceived mental status of § 87(2)(b)	§ 87(2)(b)			
B.POM Anthony Williams	Discourtesy: Police Officer Anthony Williams spoke discourteously to § 87(2)(b)	§ 87(2)(b)			

## Case Summary

On May 04, 2021, § 87(2)(b) filed this complaint directly with Inv. Klingenstein, § 87(2)(b).

On May 04, 2021, at approximately 9:06 a.m. in front of § 87(2)(b) Street in Queens, Police Officer Anthony Williams and Police Officer Jon Bacarella, both of the 111<sup>th</sup> Precinct, responded to a 911 call placed by § 87(2)(b) complaining of harassment from § 87(2)(b). PO Williams asked § 87(2)(b) why he continued to return to the location when he knew there was an ongoing issue between himself and § 87(2)(b). PO Williams said to § 87(2)(b) “To me, that’s a little psychotic” (**Allegation A: Offensive Language, § 87(2)(g)**) (**Allegation B: Discourtesy, § 87(2)(g)**).

The investigation obtained footage from PO Bacarella’s Body-Worn Camera (BWC) that was used to analyze the allegations (**Board Review 01**).

## Findings and Recommendations

**Allegation (A) Off. Language: Police Officer Anthony Williams made remarks to § 87(2)(b) based upon the perceived mental status of § 87(2)(b)**

**Allegation (B) Discourtesy: Police Officer Anthony Williams spoke discourteously to § 87(2)(b)**

§ 87(2)(b) testified (**Board Review 02**) that on May 04, 2021, at approximately 08:55 a.m., § 87(2)(b) walked past § 87(2)(b) who was sitting on the stoop of his residence located at § 87(2)(b) Street in Queens, to access § 87(2)(b) vehicle that was parked on the public street in front of § 87(2)(b) house. For one month prior to the date of this incident, officers had instructed § 87(2)(b) not to go to the incident location. § 87(2)(b) and § 87(2)(b) have an ongoing contentious relationship as neighbors, and they have engaged in numerous disputes with each other over the past ten years. § 87(2)(b) often calls the police on § 87(2)(b) and states that § 87(2)(b) suffers from bipolar disorder. When § 87(2)(b) walked past § 87(2)(b), § 87(2)(b) threatened, cursed at, and yelled at § 87(2)(b) that the area on which § 87(2)(b) stood was his property. § 87(2)(b) called the police and when PO Williams and PO Bacarella arrived, PO Williams asked § 87(2)(b) if he took any psychiatric medications. § 87(2)(b) told the officers to leave and not speak to him if they were going to ask about his psychiatric medication. Officers often ask § 87(2)(b) about his mental status and § 87(2)(b) finds it to be intrusive and disrespectful.

Footage from PO Bacarella’s BWC (**Board Review 01**) shows that when PO Williams and PO Bacarella arrive on scene at minute mark 01:06, § 87(2)(b) is sitting on the stoop of his residence and yelling at § 87(2)(b) who is leaning against his vehicle facing § 87(2)(b). At minute mark 02:56, PO Williams asks § 87(2)(b) if he takes any medication and states that § 87(2)(b) seems agitated and unstable, to which § 87(2)(b) does not respond. At minute mark 16:10, § 87(2)(b) explains that he is parked on a public street, and PO Williams tells § 87(2)(b) at minute mark 16:15, “You’re choosing to be here when you know there’s an issue. To me, that’s a little psychotic.” At minute mark 16:22, § 87(2)(b) says to PO Williams, “I think you’re psychotic.”

PO Williams testified (**Board Review 03**) that § 87(2)(b) is a “known EDP” within the 111<sup>th</sup> Precinct and officers have previously told PO Williams that § 87(2)(b) has a mental history. When PO Williams arrived on scene, § 87(2)(b) did not want to talk to PO Williams and did not provide a purpose for why he was at the incident location. § 87(2)(b) told PO Williams that § 87(2)(b) continuously came to the location, sat on § 87(2)(b) vehicle, and harassed him. PO Williams told § 87(2)(b) that there was not much the officers could do as § 87(2)(b) had not committed an arrestable offense, even though he routinely returned to the

Patrol Guide Procedure 203-10 prohibits officers from using discourteous or disrespectful remarks regarding another person's disability (**Board Review 04**). § 87(2)(g)

The context in which PO Williams used the term “psychotic” was not medical in nature, and to equate returning to a public street with psychotic behavior is both in direct reference to § 87(2)(b) perceived mental disability § 87(2)(g)

[illegible]

- As of June 30, 2021, the New York City Office of the Comptroller has no record of a Notice of Claim being filed in regards this to incident (**Board Review 06**).
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]  
[REDACTED]

Investigator: Inv. Klingenstein Inv. Aliza Klingenstein July 13, 2021

	Signature	Print Title & Name	Date
Squad Leader:	_____	Manager Vanessa Rosen	July 13, 2021
	Signature	Print Title & Name	Date
Reviewer:	_____	_____	_____
	Signature	Print Title & Name	Date